

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

**MESA HILLS SPECIALTY
HOSPITAL,**

Plaintiff,

VS.

**XAVIER BECERRA, Secretary,
UNITED STATES
DEPARTMENT OF HEALTH
AND HUMAN SERVICES, AND
JANET YELLEN, Secretary,
UNITED STATES DEPARTMENT OF
THE TREASURY**

Defendants

CIVIL ACTION NO. 3:23-CV-459

**PLAINTIFF’S OPPOSED MOTION FOR EXPEDITED BRIEFING SCHEDULE
ON ITS MOTION FOR PRELIMINARY INJUNCTION**

COMES NOW, Mesa Hills Specialty Hospital. (the “Plaintiff” or “Mesa Hills”), and files this its Motion for Expedited Briefing Schedule on its Motion for Preliminary Injunction.

Due to Plaintiff's scheduled cessation of operations on April 14, 2024, Plaintiff hereby moves pursuant to FED R. CIV P. 6(c)(1)(C), and the Court's inherent power to manage its docket, for an order requiring Defendant to respond to Plaintiff's motion by April 4, 2024, and Plaintiff to reply to Defendant's response by April 8, 2024. Plaintiff also respectfully requests the Court hold a hearing and rule on Plaintiff's preliminary injunction motion by April 11, 2024.

An expedited schedule is necessary and in the interest of justice based on the urgency of the issues and the importance of preventing Plaintiff and its patients from suffering irreparable harm due to the continued unfeasible repayment plan. Plaintiff has not delayed in the filing of the motion for preliminary injunction. In fact, Plaintiff has been attempting to resolve this matter

without court intervention throughout the pendency of this case as evidenced by the Declaration of Dennise Erwin. *See* ECF No. 17-1. However, it is now at the point where time is of the essence.

In contrast, a shortened briefing schedule would not harm Defendant as the motion for injunctive relief is only in relation to one provider and is not a nationwide injunction. Defendant would not be prejudiced by an expedited resolution of Plaintiff's motion.

For the foregoing reasons, Plaintiff respectfully requests that this Court issue an order requiring Defendant to respond to Plaintiff's motion by April 4, 2024, and Plaintiff to reply to Defendant's response by April 8, 2024. Plaintiff respectfully requests the Court rule on Plaintiff's preliminary injunction motion by April 11, 2024.

Respectfully submitted,

KENNEDY
Attorneys & Counselors at Law

/s/ C. Trey Scott

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CERTIFICATE OF CONFERENCE

I hereby certify that on March 28, 2024, C. Trey Scott, Counsel for Plaintiff conferred with Counsel for Defendant, Assistant U.S. Attorney Eddie Castillo, by email inquiring as to their position on this motion; and Defendant is opposed to this motion for preliminary injunction.

/s/ C. Trey Scott

C. Trey Scott

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was submitted to the Clerk of the Court of the United States District Court for the Western District of Texas, and served on Counsel for Defendant HHS through the Court's electronic services system, on this 28th day of March, 2024.

/s/ C. Trey Scott

C. TREY SCOTT